

# KENDALL (G. W.)

## "AMERICAN DENTAL PATENTS."

A VINDICATION OF THE TRUTH OF  
CERTAIN ARTICLES IN THE  
AMERICAN JOURNAL OF DENTAL SCIENCE,

ENTITLED A

"SKETCH OF AMERICAN DENTAL PATENTS,"

AND A

REFUTATION OF THE CHARGES MADE AGAINST THEM,

BY THE

"DENTAL REGISTER,"

A NOTICE OF THE ACTION OF THE

MISSISSIPPI VALLEY ASSOCIATION AND OHIO COLLEGE OF DENTAL SURGERY,

ON THE SUBJECT OF

PATENTING PROFESSIONAL IMPROVEMENTS,

BY GEO. W. KENDALL, DENTIST.

CINCINNATI:

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1854



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## INTRODUCTORY REMARKS.

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### TO THE GENTLEMEN OF THE DENTAL PROFESSION.

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"Who steals my purse steals trash; 'tis something, nothing;  
'Twas mine, 'tis his, and has been slave to thousands,  
But he who filches from me my good name,  
Robs me of that which not enriches him,  
And makes me poor indeed."

As a prelude to the following article, some explanation of the causes for its appearance may not be wholly inappropriate.

During the year 1851, the attention of the profession was strongly attracted to the subject of patenting professional improvements and the propriety of such conduct, by the announcement of an alleged improvement, which was to be patented, and the endorsement and recommendation of the same by the Mississippi Valley Association of Dental Surgeons.

I had previously read the claims of a considerable number of dental patents, as published in public journals, and it had occurred to me that an interesting paper might be written on this subject. No time seemed so favorable as this, and copies of the claims and specifications of forty four dental patents were procured from the Patent office.

Upon examination of these I found that the absurdity of some of the claims, and the want of originality or indefinite character of the specifications of most of the remainder, was one of strongest arguments that could be brought against the policy or propriety of patenting professional improvements.

An article was prepared, in which each claim and specification were clearly stated, and accompanied with such remarks respecting the originality of the claim, the validity and utility of the patent, and such other information as I had gained from responsible men, from a very extensive reading of dental works, and from my own experience, and thought, would be of interest to the profession; and be of some use in protecting them from being imposed on by the venders of useless or invalid patents.

Nearly every patent was declared either useless or invalid, and especially was the invalidity of the patent recommended by the Mississippi Valley Association pointed out.

The article appeared in the "American Journal of Dental Science," in April, 1852.

In April, 1853, the sketch was continued, with a very brief notice of the phase the "Patent Question" had assumed.

My motive was to contribute my mite, humble as it was to that collection of *facts* upon which our science is upreared, and which is daily elevated, by the efforts of those, who, however humble and unknown, have opportunity of observation and a willingness to record what they observe.

Judge then of my astonishment at the character of the critique, which appeared in the July No. of the "Register," which the author says was intended to correct two or three gross and unjust errors contained in the last article.

Well, how are these errors corrected? First, by a trick which a village pettifogger would be ashamed to use before the veriest Dogberry, I am placed in a position which I never assumed, and an error *thus created by the editor* was pointed out.

The second assertion which is alleged to be erroneous the editor denies in a great many words. The third alleged error consists in the title of a person of whom I had spoken.

Truly "the mountain labored, and brought forth a mouse."

But these *corrections* were but a mask to the true object of the writer, which was a most malignant attack upon my character for veracity, an impeachment of my motives, and a wholesale denunciation of the articles in question.

An assertion distorted from its original sense, was shown to be false, and on this foundation every assertion in the whole article was condemned as false, with *one exception* which was particularly pointed out, and I stood branded as an infamous



liar! The charge was of course supported by the character of James Taylor, M. D., D. D. S. a dentist of long standing, a Professor in the Ohio College of Dental Surgery, the most prominent and influential member of the Mississippi Valley Association, Editor of the Dental Register, &c., &c., &c. The good which he saw he damned with faint praise.

In doing all this he felt perfectly safe, for he could exclude every thing like a refutation from the "Register," and but few of its readers could be reached by any other periodical, and he would be looked up to by his admirers with still greater admiration, for the very chivalrous act of crushing by his mere assertion a young, aspiring dentist. It would also teach "Young America" to pay a little more deference to age and Professors in general.

Now it has never been a trait of my character to bear insult tamely, nor have I ever intended to pass this over. Justice to the editors of the Journal in which the objectionable article appeared, as well as to myself and friends imperatively demanded a complete and thorough vindication of the disputed assertions and my own character. An answer in the spirit of the "editorial notice" was rejected by the editor of the Register with redoubled insult. It would be manifestly improper to request the insertion in any other periodical of a reply to a personal attack, and the only channel by which I can reach the profession is pamphleteering.

As the editor reduced it to a question of personal veracity, I have reviewed his registered opinions to show his unfitness for the critic's chair, by his gross ignorance upon those topics with which he *professes* to be most fully conversant; by his total want of probity, as shown by his glaring piracies upon the claims of others; and finally to prove him guilty of wilful and deliberate falsehood in the aforesaid review.

" 'Tis strange, but true; for *truth* is always strange,  
Stranger than fiction."

The character of the attack, and the peculiar circumstances involved, precluded, utterly precluded any other kind of answer than the one I have given, and no one can regret more than I do the necessity which called it forth.

In conclusion permit me to say that fair and impartial criticism I shall respect and be thankful for, and endeavor to profit by; personal abuse and insult I shall ever indignantly resent. I shall ever endeavor to maintain an honorable (be it ever so humble) position in the progressive wing of the profession; and hail with ardent joy the watchword YOUNG AMERICA.

I am gentlemen, very truly your friend and true "confrater"

GEO. W. KENDALL.

CINCINNATI, January, 1854.



# A VINDICATION

## OF "SKETCHES OF AM. DENTAL PATENTS," ETC.

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Two articles entitled a "Sketch of Am. Dental Patents," appeared in the "Am. Journal Dental Sciences," in 1852-'53. The following "editorial" appeared in the "Dental Register of the West," a dental quarterly published at Cincinnati, conducted by James Taylor, M. D., D. D. S.

AMERICAN DENTAL PATENTS.—BY GEO. W. KENDALL, CINCINNATI.

About a year since Mr. Kendall gave us a history of Dental patents, and now in the April number of the American Journal of Dental Science, we have this history continued, and so far as it is a correct history, we are glad to see it. It is important that history be correct in all particulars, and that this may be the case, historians should be unprejudiced, and state transactions in all their truthful reality. They should also avail themselves of the best public documents by which to arrive at facts. In these particulars we fear Mr. Kendall has sadly departed from his duty. In the continued historical sketch which Mr. Kendall gives in the last number of the Journal, there are two or three very unjust and gross errors, which aim a blow at the "Mississippi Valley Association of Dental Surgeons," and also at the Ohio College of Dental Surgery, and at the Faculty thereof, which justice requires should be corrected. In so far as this attack implicates ourselves, we care but little. We hope to survive it. We shall therefore merely make the corrections, and not attempt to answer Mr. Kendall's "unanswerable arguments."

The first error is in relation to the action of the Mississippi Association of Dental Surgeons. He remarks that "as an evidence of the upward progress of opinion, in reference to the patent system in the profession, we may refer to the resolution passed by the Mississippi Valley Association, at its last meeting, declaring it derogatory to the professional character to patent improvements, the same having been lost by an overwhelming vote at the previous meeting."

Now let us look at the facts. At the meeting preceding the last, the following resolution was adopted :

"Resolved, That it is now and always has been the sentiment of this society, that it is derogatory to the professional character of any of its members to patent any dental instrument or mode of practice."

This is the resolution which Mr. Kendall says was lost by an "overwhelming vote."

Let us see now what was done at the last meeting. By reference to the published minutes, to which we suppose Mr. Kendall had access, we find the following resolution was offered :

*Resolved*, "That a committee of three be appointed to take into consideration the course of Dr. Allen on the subject of patents, and report to-morrow."

The question being taken on the adoption of the above, it *was lost*, because of the time it would take, and which could be more profitably employed, and as Dr. Allen had been already heard in vindication of himself."

This is the only resolution offered at the last meeting having any bearing on the subject, and this was lost because the society thought it could spend its time more profitably. The society as a body does not feel that it is necessary to be continually harping on this subject. Let us now see the evidence of an "upward progress of opinion," as it regards the society, on this subject. We go back to the second annual meeting and get the first action on this subject. It is as follows :

*Resolved*, "That viewing ours as an important branch of one of the liberal professions, we feel bound to disapprove of any member of this society patenting any instrument or mode of practice pertaining to our profession, and that further action on this subject be deferred until our next annual meeting."

Adopted.

Here we find the same disapprobation expressed, and we believe the time never has been when the same views have not been entertained by a majority of the society, and the society never has refused to meet the question when brought in a proper shape before it, although a few of us have always been opposed to applying it in that sweeping sense expressed in the resolutions ; but were willing that "a piece of mechanism applied to the arts," and which could be used without any "injury to the public," which should not interfere with the "amelioration of the ills of life, that such might, even by a professional man, with propriety be patented." We have given, however, the action of the Society on this subject, and are willing to abide by its decisions.

Mr. Kendall, after having unburdened himself in relation to the society, proceeds to say :

"May we not therefore indulge the hope, that ere many years roll round, that instead of a majority of the Professors in the Ohio College of Dental Surgery" advocating, by precept or practice, the propriety of patenting professional improvements, they will all be united in pointing out to the pupils under their charge the *true* path of the Professional gentleman."

Here the majority are represented as advocating, by "practice or precept, the patenting professional improvements."

The truth is, so far as we know, but one of the Faculty have ever taken out, or attempted to take out a patent ; this is Dr. Allen." As for ourself, we have never, by precept, advocated the patenting of other than mechanical articles, and these only so far as they may not Professionally interfere in the treatment of disease. We do not consider Dr. Allen and ourself as a majority of the Faculty—as it regards, however, the action of the Faculty on this subject, it has been entirely of a different character.

When Dr. Allen received his appointment, which was before his patent for continuous gum was taken out, there was a perfect understanding that the class should be taught everything in his department—that no secrets should be withheld from the students. That as teachers we considered it to be our duty to give the students who came to us for instruction all the information on the different departments we taught which was in our power, and without any other charge than the regular tuition fee. Dr. Allen's views coincided with ours on this subject, and he has ever acted on this principle,



and has, with a zeal and energy which is highly creditable, applied himself to the advancement of the student.

Mr. Kendall is certainly not ignorant of the fact that Dr. Van Emon has never been a professor in the school. He was for two years demonstrator of mechanical Dentistry, and resigned this post last spring.

But Mr. Kendall, not content with the representation which he has given, goes on to say, that "it has been urged by our worthy Professors, that if Dentists were not allowed to patent improvements they might invent or discover, there would be no such improvements announced, as no one would labor to effect them, unless he could be *paid for it*." Here he still uses the plural (Professors,) as if this was the opinion of a majority of them; and still not content with this, but to fasten it a little more directly on us, he makes a quotation from an article of ours on this subject. That the "disposition to patent every little improvement in instruments or appliances for the laboratory is illiberal." The latter opinion we expressed. Prof. Allen, we believe, will acknowledge the former, and we believe he is the only one of the Faculty that has ever expressed them.

There is only one other statement made in Mr. Kendall's history which we shall at present notice. Facts in history, when mixed up with much which is false, need all the testimony that can be adduced to give them credence. Mr. Kendall gives the following as a fact in his history:

"I, who am nothing—a nobody—not even an honorary graduate in the Ohio College of Dental Surgery!"

Now we can assure the Profession, that so far as the honorary degree is concerned this statement can be relied on. The records of the Institution confirm this, so far at least as silence on the subject is concerned. They only make known the fact that Mr. Kendall is a matriculated student of the school, and has been entitled to one course of instruction in the institution. The record does not say that which we believe is the truth, that he is the only individual who has ever been entitled to this as a compliment to himself or friends."

If Mr. Kendall wishes to take a tilt at the patent system, he can do it just as genteely some other way, as by making an invidious attack on the Mississippi Association of Dental Surgeons, or the Ohio College either. Prof. Allen's views are not "hid under a bushel," and if he wishes to break a lance with him, the Dr.'s armor is on, and has oft received the full force of his opponents' charge. As for ourself, not being capable of presenting any new light on the subject, we supposed we were not to be "further noticed. But not wishing to complain, we would say in the chivalrous language of Knight Errantry, "On, Stanley, on!"—*Dent. Reg., Vol. IV., No. 4, July, 1853.*

The pages of the "Register" were tendered me for a reply and the following was sent:

DR. TAYLOR:—The notice which you gave in the last Register, of my article on Dental Patents has caused not a little astonishment; not at the tone of the notice or its gross personalities and pitiful evasions, but astonishment that you should leave your non-committalism and give a reason for an alleged fault. The trick of mistaking the meetings of the Mississippi Valley Association is too apparent to be exposed, every one sees it. The grounds of my statement respecting the action of the society are simply these. At the meeting of the society in Louisville, (1851,) it passed a resolution recommending an alleged improvement which was new and untried; *was held as a secret and the inventor avowed his intention to patent it.* It did not adopt a resolution, which



was presented, declaring it derogatory to professional character to patent professional improvements, and that such conduct was sufficient cause for expulsion. "At its next meeting (1852) the above resolution was passed" with the exception of the latter clause, which was superfluous and unnecessary, as in all professional bodies conduct derogatory to professional character is, by common law and common sense, sufficient cause for expulsion, even without any written law, touching the subject, and surely no gentleman would remain in a society which had passed such a resolution with special reference to himself. This sir, was *progress of opinion*.

"A majority of the professors of the Ohio College of Dental Surgery, advocate by precept or example the propriety of patenting professional improvements." This you appear to deny. I took it for granted that the opinions of any member of the Faculty were as reflective of the opinion of the whole board as those of any other, and did not think of the distinction between Professor and Lecturer.

You acknowledge that the remark is true in its application to yourself Prof. Allen, and Lecturer Van Emon. Prof. Wood has in repeated conversations taken similar ground in an honorable, bold and manly manner. There are four out of five, a decided majority. The action of the Faculty has not been of an entirely different character. It has sustained Dr. Allen and his patent, and it (the patent) has been held out as one of the peculiar advantages of the school, and largely increased its class.

It was understood that the students would receive Rights to practice Allen's Patents. Well the class of last year did receive the privilege of using it in territory, for which the right had not been sold, or might not hereafter be sold! And the whole class unite in a public tribute to Prof. Allen for his *unparalleled generosity*. Out on such vile humbug. I will venture to predict that the next tribute he receives from the class will be a "leather medal with suitable inscriptions."

The announcement that I received the tickets for a course of lectures free of charge was wholly uncalled for, and disgraceful to you only, especially as it is well known that you received the degrees of M. D. and D. D. S. without charge and without attendance on courses of lectures.

The rest of the personalities will of themselves recoil on your own head, and I leave them to the contemptuous silence their grossness so well deserves.

Very Truly,

GEO. W. KENDALL.

CINCINNATI, September 8th, 1853.

In a few days it was returned with the following note:

CINCINNATI, September 19th, 1853.

MR. GEORGE W. KENDALL:—Dear Sir:—When you requested room in the Register for a reply to my remarks on your "History of Dental Patents" I supposed you wished to either explain the errors into which you had fallen or disprove by documentary evidence some of the positions I had taken. Your reply is, however, of so different a character and comes unsustained by any other evidence than your own *ipsi dixit*; that I feel the cause of science or truth would not be benefitted by its publication.

A reply to my article written in a proper spirit and disproving by *credible testimony* any thing I have published or correcting any mistakes you may have made in your article in patents will be cheerfully published and I will for a week to come keep space in the forthcoming No. of the Register for that purpose.

Yours truly &c.,

JAMES TAYLOR.

Enclosed I send you your article.

J. T.

A very brief reply closed the correspondence.

Before bringing any "documentary evidence" to bear on this particular article, I wish to call the attention of the profession to the editorial department of the Register from the beginning, for as its circulation is very limited, but few know "what *we* are doing out here in the West."

Dr. Taylor has had the complete control of the Register from its first number to the present time, and deserves all the credit or odium which results from the manner in which it has been conducted.

A class of dentists out here in the West look up to Dr. Taylor as a kind of dental "Microsm on stilts" and whatever Dr. T. does, says, thinks or guesses,—so do they. With the exception of these, those of the dental profession who have perused his editorials, have ever found them amusing in the extreme, perhaps as much so as Mrs. Partington's disquisitions, and as ludicrous as a comic almanac.

Non-committalism, plagiarism and a total want of originality, unlimited pretensions, ignorant dulness, and execrable English are the peculiar characteristics of these effusions which seem to indicate the aim of the writer to be "Neutral on all subjects, independent on none."

In the first number of the Register, "Cin. Ed." says: "In the next number we will try and investigate the effects of mercury on the teeth, and see if it really occasions such terrible havoc in the dental apparatus, by causing decay as it is said to." Nine months afterward, (a sufficient time for preparation,) the "Effects of Calomel" are investigated (?) with a vengeance!

"By a careful study of the relative affinities of different acids for mercury and lime, we must come to the conclusion that calomel, in its pure state, exerts no injurious effects on the teeth."

That is, if a person takes a dose of calomel, and this calomel comes in contact with the teeth, no chemical decomposition will ensue, such as would follow from the contact of acids.

After discussing this question in a very learned manner, our worthy editor proceeds to "take a hasty glance at its *secondary* effects."

What patient study and untiring diligence must have been necessary to have enabled our worthy *Professor* to have eliminated the following very obscure, although important fact, viz :

"The healthful secretion of the saliva is beneficial to the preservation of the teeth. Perhaps this proposition may not be generally accepted, yet *I would re-affirm that the healthful secretion of the saliva is essential to the preservation of the teeth.*"

Ma conscience !

This is followed by quotations from several authors, from which we learn that the saliva, in cases of salivation, has an acid reaction, and that it has an acid reaction, *also*, in cases of acute rheumatism, in all cases of irritation and inflammation of the stomach, in pleuritis, encephalitis, uterine affections, amenorrhoea, intermitent fever, and phthisis.

Our learned Professor then reasons thus :

"It may be considered *probable*, that under *certain conditions* the saliva *may*, during salivation, be so changed as to produce injurious effects on the dental organs."

"The amount of injury, we *presume*, might be calculated in proportion to the amount of acid, particularly the acetic which might be found therein."

"How absolute the knave is ! We must speak by the card, or equivocation will undo us."

What a very simple mode of determining the amount of injury done to those obscure organs the teeth ! First, analyze the saliva, and determine the amount of acid present ; then ascertain how long the teeth were exposed to it ; then determine what effect this amount of acid saliva would have upon teeth organized as are those of the patient, and you will have a result which might be verified once in a thousand times by a direct examination of the teeth.

But hear him again :

"We have seen hundreds of mouths, the teeth of which were in much the same condition as could be produced in a short time by dilute acetic, or sulphuric acid. Where we see the same nature of decay existing thus ; as we may produce, *what is the indication?*

"We would say, UNHESITATINGLY, *not a dentrifice in which Cream of Tartar enters as a component.*"

"Should salivation take place during the formation of the permanent teeth, when they are passing from their pulpy to their osseous structure, they *may* not then be secreted and properly formed ; yet we have seen teeth, apparently in every res-



pect perfect in form and organization, formed to some extent at least during severe salivation; and we cannot say they appeared to be any more subject to disease than if such had not been the case."

These are the "Effects of calomel," and this *the indication*, according to "J. Taylor, M. D., D. D. S."

It is a popular belief, and is laid down in our standard works, that the injudicious use of Calomel is frequently followed by a mercurial inflammation of the gums, necrosis of the teeth, necrosis of the alveoli, absorption and exfoliation of the alveoli, conjoined suppuration, ect., ect.

But surely these "documents are not credible," or our then newly dubbed M. D. would have made some reference to this series of disorders.

There is neither end, aim or point to the whole article, and it is just as definite and about as useful as the old lady's test for indigo, which was "to throw it into water and it would either sink or swim, but really she didn't know which."

But every article which he has ever written upon any physiological or pathological subject, is of the same character, a grotesque jumble of irrelevant quotations, excellent in themselves, when properly applied, but so profound is the "hoarded ignorance" of the Editor, that in his hands they are "like lumps of marl upon a barren field, encumbering what they cannot fertilize." He talks all around the subject, mystifies the reader most inextricably, and never arrives at any definite and tangible conclusion. "Gratiano speaks an infinite deal of nothing, more than any man in all Venice; his reasons are as two grains of wheat, hid in two bushels of chaff. You shall seek all day ere you find them, and when you have them, they are not worth the search."

A most mortifying instance of this re-hashing of old theories, interspersed with very cautious conjectures, may be found in his answer to "Dr. Drake's Interrogatories." Mortifying it must be to every well-educated dentist to reflect, that that series of papers emanated, (after several years of preparation,) from a society which professes to represent the Dental Profession of the Mississippi Valley.

Six volumes of the Register have appeared, and but one single improvement has been announced in it, which was the in-

vention of the editor, and that is the *plugging forceps*, which he is careful to inform us he invented before he ever saw any other. No one will doubt that who sees the wonderful invention, which consists of a series of spring pliers, with the points so shaped that when closed they resemble ordinary pluggers.

In the meantime a large number of new improvements have been copied from other journals into the "Register," accompanied by a note from the very honorable editor "giving his method is almost identical, which he long since discovered and has since pursued," or something of the same import.

The "documentary evidence" for this statement may be found in the pages of the "Register," where are registered a continuous series of James Taylor's glaring plagiarisms. A few of these I will enumerate:

Gilberts' Patent Plate: the use of Cobalt for destroying nerves and subduing inflammation of the dentine, (which he claims to have *discovered*, as well as its *superiority over arsenic* for those purposes, ten years before it was announced by Dr. Robert Arthur, and yet in a recent article he directs the use of arsenic. How are these statements to be reconciled.\*

F. H. Clark's Patent method of mounting pivot teeth; treatment of exposed nerves; arching foil over exposed nerves in filling; drilling into a tooth to relieve pain subsequent to filling, (caused by abscess) &c., &c. Of course it is not to be supposed that invention of improvements is an essential part of an editor's duties yet it is extremely reprehensible in him to become a pirate on the claims of others.

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\*I am informed since writing the above, that some ten or eleven years ago, a dentist advertised "tooth ache cured without pain," and he had a great deal of business of that kind to do. A trafficker in secrets procured some of the material used by him and had it analyzed by an eminent chemist, who pronounced it "the cobalt ore of the shops." This secret was sold by him to a number of dentists for the enormous sum of \$2,50. A boy having a very large cavity in a molar tooth, called on one of these dentists and wanted the nerve killed. An application was made, but from the anxiety displayed to have "a good lot put in" the operator's suspicions were aroused and he had the curiosity to see where he went, and that satisfied him that his suspicion was well founded.

In a short time the lad returned saying that the stuff had come out, and desired a new application. This time the tooth was filled with a mixture of arsenic and charcoal, and the lad returned a second time to Taylor's office.

He examined this and "*at first thought it to be cobalt* but on further inspection we found it to be arsenious acid mixed with charcoal. This led us to test the cobalt," &c. (Reg. Oct., 1851.)

The dentist above referred to is still a resident of this city, and will undoubtedly give any further information that may be desired respecting the *discovery*.

As a proof that self interest is his guide to principles, and his principles are as varied as his interest, I would refer the reader to his expressed opinions respecting Dental Patents. At the second annual meeting of the Mississippi Valley Association, "Dr. Cook, James Taylor and others, took ground against the propriety of patenting any improvement in the profession, as unprofessional and directly opposed to that principle which brings us together as a society, having for its object the elevation of our science." "Especially was it contended by *Dr. James Taylor* that while a piece of mechanism applied to the *arts* might with propriety be patented, yet a principle of that science which claims for its object the amelioration of the ills of life, which seeks on all occasions to be known for its usefulness, which we as a society have banded together to elevate, should never be thus trammelled. *No Letters Patent should be thrown around her outstretched pinions.*"

He thus introduces (1848) Gilberts patent plate: "In the N. Y. Dental Rec. we notice an article headed 'Improved mouth plates.' We supposed it scarcely possible that at this late day, a relic of the past could be not only revived but *actually patented*, and indeed we can only account for the strange phenomena by remembering that the *patentee is not a practicing dentist.*"

In 1851, John Allen entered a caveat for an alleged improvement (which was Delabarre's method *revived*,) and became a Professor in the Ohio College.

Speaking of Allen's intention to patent, Dr. Taylor says: "The Dr. regarding this strictly as an improvement in mechanical Dentistry has, we believe, taken steps to secure a patent. To this we are aware many of the profession will object, at present we would merely remark that we believe that Dr. A. will give the profession no just cause of complaint."

How was this "strange phenomena" accounted for, as the patentee was a *practicing dentist*?

But in Gilbert's notice he goes on thus. "Until very recently we supposed the dental profession to be as free from the patent mania as the medical, \* \* but we begin to fear that from our gold springs to our gold foil all will be under the *grip* of patentees.

Thank fortune, dental secrets are getting scarcer every year,



and we begin to hope to live to see dental knavery burried, and the last secret *credulous folly* and HOARDED IGNORANCE gloats open to fill her pocket completely exposed to public view," (Dent. Reg. Vol. 1, page 223.)

The spirit of the article is strongly against patents, as are all others which refer even remotely to the subject in the early volumes, but the last paragraph quoted above, caps the climax of the editor's stulteloquence. What it may mean I confess my inability to conjecture, and think it would puzzle the editor to explain, but in one point I think that the whole profession will agree, that is, that "HOARDED IGNORANCE" "is most tolerable and not to be endured."

The profession can judge of Taylor's reasons for changing his opinions on the patent question so completely, when they remember that the Ohio College, was sunk very low, and that some desperate effort must be made to resuscitate it. It was evident that by making Allen a Professor, and instructing the students in the manipulations of his patent, and giving them a right, a large class would be attracted. This was done and many students have attended here for the express purpose of procuring the patent, as they could obtain it and the lectures and a diploma for about the same they could purchase an "office right."

If anything were necessary to prove that "Allen's Improvement" obtained that gentleman his Professorial chair in the Ohio College, it might be found in the fact, that his lectures are almost exclusively about "his method," its discovery, its advantages and his own peculiar talents for invention, and his wonderful operations.

One or two incidents which recently occurred, so fully illustrate Professor Taylor's manner of professing knowledge on subjects of which he is totally ignorant, that I cannot refrain from inserting them. In one of his lectures he had occasion to quote from a well known French author, and made the following remark. "In order to prevent any mistake about the particular writer I mean, it may be well for me to inform those of you who are not conversant with French dental literature; that there are two *Delabarres*, who have written on dentistry, one C. F. Delabarre, the other M. Delabarre;" although the class didn't read French, they knew that M. or Mr. when used as a prefix to

a proper name stands for Monsieur or Mister or Master, and laughingly speak of the two Professors, James Taylor and Dr. Taylor. A gentleman, was requested by Professor T. to translate an article from a German dental periodical for publication in the Register, *as he was compelled to consult the dictionary so often, that it took too much time for him to translate it.* The gentleman cheerfully consented, and in a day or two Dr. T. handed him the "German periodical" telling him to translate whatever he thought best. He thought it very strange, that Dr. T. did not at least designate the article he wanted, but on opening the book, lo! it was in French! Taylor took it back in silence and the request to translate *German* was never renewed.

It is not very probable that our Professor's attainments as a linguist will hurt him much when he can't tell French from German.

"Who shall dispute what the Reviewers say!  
Their word's sufficient; and to ask a reason,  
In such state as theirs is downright treason."

The preceding pages will give the profession some idea of the calibre of my reviewer, who must have been thinking of the above lines when he penned the article. Treasonable though it be I not only ask for a reason, but will even endeavor to show that the fault lies with the editorial reviewer and not with the Sketch of dental Patents.

Dr. Taylor first *intimates* that in writing my sketch of Dental Patents, I was prejudiced; that I did not state transactions in their truthful reality; and that I did not avail myself of the best public documents to arrive at the facts.

I deny the impeachment of prejudice, and even if I had been "facts are stubborn things" and would effectually defeat any attempt to mislead the profession. Whenever it is shown that I have stated transactions in other than a truthful reality, I will retract and make such atonement as is in my power, but I shall require something more for proof than the mere assertion of James Taylor or any other interested individual.

In reference to the "best public documents" of which according to Dr. Taylor I did not avail myself, I have only to say that I procured a copy of the claims and specifications of such patents as had been granted for dental improvements, from

the Patent office. Some of these specifications were accompanied with remarks upon their originality, utility, &c., based upon my own experience, and the knowledge gleaned from a very extensive reading. The facts there stated are not disputed and my authorities are good as far as they go, and the error Dr. T. charges must therefore be one of omission and not of commission. Perhaps he will furnish the facts which I have overlooked.

"In so far as this attack implicates ourself, we care but little."

Now, nothing could have been further from my thought, than that there existed any combination of words in the English language, which could awaken the sense of shame in the bosom of James Taylor. I knew that he was utterly insensible to any such feeling, and sooner than attempt to excite it, I would undertake to learn a well-bred pig to sing "*Casta Diva*," or to dance the "*Schottische*."

The editor next proceeds to place me in a false position, in relation to the particular meetings to which I referred.

My letter was written in January, 1853, and appeared in the April No. of the Journal. The meeting to which I referred as the "*last*," was of course that of 1852, as that of 1853 was not held until about the last of February.

The minutes of this (1853) meeting appeared in the April No. of the Register, *simultaneous with my article*, and yet Dr. Taylor pretends to suppose that I had access to them in the preparation of my article.

The *trick* is a shallow and most contemptible one, but worthy of the source from whence it came; and plain men would say that it was intended to mislead the public, and convey a wilful and deliberate falsehood.

At the meeting of the M. V. Association in 1851, John Allen "presented some specimens of an improvement in the manner of attaching teeth to the plate."

For this alleged improvement a caveat had been entered, and it was fully understood that a patent for it would be secured if possible.

A preamble, highly complimentary to the inventor, with a resolution to give him a gold medal being introduced was *seconded by Dr. Taylor*. Both, with the specimens, were then referred to a committee of three.



The next day a majority of the committee, (Drs. Goddard and T.) presented a report and resolution which were accepted. They say "that this method of securing the tooth to the plate possesses cleanliness, and as far as we can judge durability. They have tried the strength of adhesion, and believe that no ordinary force, such as is usual in masticating food, etc., will loosen them from the plate. Indeed, so far as they can judge, the adhesion to the plate is much the same as that effected by the use of solder, *hence the ENTIRE BASE of the teeth being secured by CEMENT*, there is greater solidity," etc.

They recommend the following :

"Be it Resolved, That Dr. Allen deserves all commendation for his indefatigable exertions in thus developing and making available a new and important improvement in mechanical dentistry, and that we recommend this improvement to the profession as worthy of their attention."

A "minority of the committee, (A. M. Leslie,) reported "that it had been ascertained from Dr. Allen that it was his intention to procure, if possible, a patent for said mode of work, and that he had filed a caveat in the Patent Office for the same."

He then took strong ground against Patents. "Your committee have had no proof of the practical usefulness, no cases being brought before it which had been subjected for any length of time, to the friction of mastication, and your committee would suggest that one year, at least, is requisite to test the mode in this respect, and that until this time expires no resolution approving it should be adopted by the society."

The report further states that "no insight into the matter was afforded the committee by Dr. A., but he has brought it before the Society as a secret."

The report objects to the award of the Gold Medal, and recommends the adoption of the following resolution :

*Resolved*, That it is now, and always has been the sentiment of this Society, that it is derogatory to the professional character of any of its members to patent any instrument or improved mode of practice. And inasmuch as the forbearance of this society has heretofore been misunderstood, we do now declare that for any member to patent any instrument or improved mode of practice, shall be deemed sufficient cause for expulsion."

Both reports were accepted, and after considerable discussion the "majority report" was adopted.

A resolution was then adopted expunging the "Gold Medal Preamble and Resolution," and all debate attending it, and substituting the report of the majority of the committee, with but a dissenting vote, (Dr. Leslie.)

Dr. Taylor says, (Am. Journal, Vol. II, 1852, page 394) that "the mover of the expunging resolution designed to have it apply to the minority report and everything on the subject, except the report which was adopted as the sense of the Society. We are therefore right in not printing this report with our proceedings."

The ignorance of parliamentary usage manifested on this occasion deserves severe stricture, but I will take the proceedings in the light they were intended by the actors.

We find that specimens of artificial teeth mounted on plates were presented. Upon examination it was found that the materials used for uniting the teeth to each other and to the plate *was a secret*.

The mode of using these materials was a secret, and that it was the intention of the inventor to *patent both these secrets*. These facts were known, and yet a Report recommending the improvement to the profession, testifying to its advantages and utility, was adopted!

The minority report advising the society to make no award of merit in the case, on account of the intention to patent, and to postpone all resolutions approving the improvement, for at least one year, to afford time and opportunity to fully test it, and declaring it derogatory to the professional character to patent improvements, and that such conduct was cause for expulsion, WAS EXPUNGED by a vote of 8 to 1.

The resolution was therefore "lost by an overwhelming vote," and all record that such a resolution had been offered, was stricken from the journal, and the society endorsed a *secret which was to be patented*.

At the meeting held in Cincinnati, Sept., 1852, the resolution of the *minority* report of the preceding year was taken up; Dr. Taylor moved, as an amendment, to strike out that portion of the resolution which declared that procuring of a patent for a professional improvement was sufficient cause for expulsion."

The amendment was carried by a slight majority, and the

*resolution as amended was adopted, with but one dissenting voice.* (See proceedings Am. Jour.)

Now I consider that, "documentary evidence" of "an upward progress of opinion" between September, 1851, and September, 1852.

I was fully aware of the nature of the resolution which he quotes, disapproving of the patenting system passed at the 2nd annual meeting, and that *James Taylor then, especially contended* for its passage, instead of being "*always* opposed to that sweeping sense expressed in the resolutions," as he now says.

But he says "that the time has never been, when the same views have not been entertained by a majority of the Society." If this be so, I must say that the society took a very strange way of expressing its disapprobation of Allen's patent, when it passed the above resolution in 1851.

It seems to me that Taylor turned a complete somerset, and that following his dictation, the society sunk so low as to recommend a secret which was to be patented.

But it has been urged that the resolution of 1852 does not say that patenting is sufficient cause for expulsion, and therefore no one can be expelled for that offence.

In every association of professional men it is common law and common sense that "conduct derogatory to professional character" or in other words *unprofessional conduct*, is sufficient cause for expulsion even though no written law touches the precise point.

No gentleman would ever retain his membership in a society, which had passed such a resolution with direct reference to himself; he would consider it a very strong hint for him to withdraw: yet John Allen is still an *honored brother*.

So much for the "first error."

Now for the Faculty "Error." The Faculty was announced as follows. Prof. Taylor, Prof. Wood, Prof. Mendenhall, Prof. Allen and G. L. Van Emon *lecturer, &c.*

I had overlooked the fact that a demonstrator and lecturer was not a member of the Faculty of a College, and thought that when a gentleman's name was announced in the annual circulars under the head of Faculty, that his actions were binding on the whole body and as reflective of their opinions whether his is the first or last name announced.



I am much obliged to Dr. Taylor for setting me right. But nevertheless my assertion is true in spirit and letter. Dr. Taylor acknowledges that my assertion is true in relation to himself, Dr. Allen, and Dr. Van Emon.

Prof. Thomas Wood has in repeated conversations declared himself in favor of the patenting system, in a bold open and manly manner.

So four of the five gentlemen announced as the Faculty are in favor of patenting.

But Prof. T. says "the action of the faculty on the subject has been of an entirely different character." Well, how? It was announced that students of this College would receive certain benefits connected with Allen's Patents, which others could not expect. It has been understood that all the students should receive Patent Rights without any extra charge, and this consideration has caused a very large increase of the class of both the last and the present session. This is an undeniable fact and a plain business transaction. Dr. John Smith "took up" dentistry on his own hook, four or five years ago, and can pull out, plug or put in a tooth, and has a reputable practice. But Dr. Brown has the reputation of being a thoroughly educated dentist and is a troublesome competitor.

So Dr. Smith comes to Cincinnati, buys the tickets and unless a common fool the daily "quizzes" will enable him to pass the final examination and he goes home with his D. D. S. and *exclusive mode of practice*, and stands alongside or above Dr. Brown, at least for the present! Truly that \$125 or perhaps \$200 was well invested.

Not a few of the students have expressed their preference for the Baltimore or Philadelphia schools, and said that they would have gone to one or the other but for the Patent inducements.

But the Faculty don't stop here; they, in conjunction with the students, get up a *voluntary tribute* to Dr. Allen! in which they charge Wm. M. Hunter with falsehood, and vouch for Allen being "the sole inventor or discoverer of his method of forming artificial gums," and laud it to the skies.

The paper is stamped with falsehood in almost every paragraph, and that it would deceive many must have been known to every signer. Either this is true, or they were most outrageously ignorant of matters spoken of, and followed Taylor's lead.'

It is well known to the profession that Wm. M. Hunter anxiously sought a legal investigation of the claims he asserted, and that finally a suit was commenced against him by John Allen. Numerous depositions in the case have been taken by Hunter, and among them James Taylor's and two other signers of the "tribute." These three depositions prove the whole affair to be a tissue of unmitigated falsehoods.

Dr. Wood appears in an anonymous article in a daily print, sustaining Allen, his patent, and the concern generally, and denouncing Hunter and his friends.

But the most flagrant violation of the common right of the profession, and of the avowed purpose of "reflecting the eastern light," is the manner in which all other Dental Colleges are prevented from giving their students the benefit of a mode of mounting teeth, which, according to the Ohio Coll., "is excelled only by the best of natural teeth." Threats of prosecution against all who shall dare to use the patent, are published in all our journals, and at the same time it is understood that the Ohio College will give permission to its students to use the same.

That looks to me like extolling its own peculiar merits over those of kindred institutions, which in an individual is a very heinous crime in the eyes of the society.

And in face of all this, James Taylor has the unblushing effrontery to say that "the action of the Faculty has been of an entirely different character."

"Facts in history, when mixed up with much that is false, need all the testimony which can be adduced to give them credence.

"Mr. K. gives the following as a fact in his history :"

"I, who am nothing—a nobody—not even a graduate of the Ohio College of Dental Surgery!"

"Now we can assure the Profession that so far as the honorary degree is concerned this statement can be relied on. The records of the Institution confirm this, so far at least as silence on the subject is concerned. They only make known the fact that Mr. K. is a matriculated student of the school, and has been entitled to one course of instruction in the institution. The record does not say that which we believe is the truth, that he is the *only individual who has ever been entitled to this, as a compliment to himself or friends.*"

In other words, I received the tickets for a course of lectures without charge, (as a compliment to myself or friends,) and am the only person ever so honored. From any respectable College, this would be a compliment indeed, but from the manner in which it is here paraded, it is evident that Dr. Taylor agrees with me in thinking that in this case, the compliment was of a very, exceedingly equivocal character.

The announcement that I did not pay for the attendance on the lectures was wholly uncalled for, uncourteous and ungentlemanly, although it be true.

James Taylor attended one course of lectures many years ago, in the Medical Department of Transylvania University, procured a *license* to practice medicine under a State law, and went into a country practice. That was not followed very long, and the dental profession was resumed, and he was styled Doctor by courtesy.

Well, this was all right enough; but when he and two others determined to establish a Dental College, his colleagues being entitled to append M. D., D. D. S. to their names, thought it necessary that he should also have these high-sounding affixes, so as to give more eclat to the would-be scientific institution, and to give a kind of voucher for the attainments of the Professor.

The D. D. S. was easily procured, and in the first announcement his name appeared thus: "Dr. Jas. Taylor, D. D. S." Apparently a D. D. S. was not a *Dr.* in these days; the M. D. was still considered of paramount necessity, but how to obtain it—that was the rub.

Influence was however found, and the case was displayed thus to the Transylvania University:

Taylor had attended one course of lectures in that institution; had retired from the practice of medicine never to resume it; the degree was wanted only for *Buncombe*, and was in its most literal sense to be an honorary one.

Upon this representation was his degree of M. D. procured. How much *honor* he has reflected upon his Alma Mater, I will leave to others to decide.

In the "Ohio College of Dental Surgery" diplomas have been prepared conferring the title of D. D. S. upon individuals, who were given to understand that they must pay for it.



Some of these thought that when an *honorary* diploma was tendered to a man, he should not be compelled to pay for it, and declined to pay for an honor they had never solicited. In consequence, the diplomas were withheld, and the degree never publicly conferred!

We learn from this that the cost of "D. D. S." to a dentist, in this market, is \$25.

A degree was recently conferred on a man who has been for some years the cheap dentist,—the Jackal of the profession in Cincinnati; a man who enormously exaggerates the value of his operations, when he advertises a charge of from seventy-five cents to a dollar for filling, and a dollar and a half to three dollars each for inserting teeth, according to the difficulty of the case. It is said that he bought the tickets and shares of stock in the College. It is certain that he attended but very few, if any of the lectures.

These are the means that are made use of to elevate the standard of the profession. It is true that Prof. Taylor has elevated Dr. Jackal, and many others like him, to his own level, and *honored* them with the title of D. D. S. But has the title, when conferred upon the truly worthy, well-educated and competent dentist elevated him? Or has it not drawn him down into the same sphere with Jackal and others of that kidney?

This Faculty profess to give the students, or perhaps only the graduates, a right to use Allen's patents. Much territory, it is said, has been already sold, and if one of these students attempts to use the patent in such territory he will find to his sad cost, that he has been duped und swindled, and that John Allen has no more right to *use his own patent* there, than any other person.

This Faculty sign a paper, infamous in its object and aim, teeming with unblushing falsehood and ignorance, and this Faculty has the cool impudence to demand a *good moral character* as a prerequisite for graduation!!

The Miss. Valley Association meets every year. From five to twelve members are generally present; a namby-pamby address, made up of old truisms and patronizing platitudes is first heard, and then comes a kind of hotch-potch discussion, and melange of things and questions in general, which would bring a smile to the face of cynic.

Few of them have the general public been allowed to profit by, and it is probable that fewer still will be published in future, as the society passed a resolution at its last meeting declaring it censurable for any member to publish any of the proceedings other than those approved and ordered to be published by the Society. The discussion on Dr. Drake's interrogatories may be taken as a fair sample of the deep research and profound learning with which the members prepare themselves when they come together to cast their united effulgence upon the darkened pathway of dental science.

Who that has read that choice bit of learning will fail to exclaim, with the celebrated "Scrutator," "it is unfortunate, very unfortunate for the Dental Profession that such an opinion should emanate from such a body of its professional men."

In reply to Dr. Taylor's invitation to charge upon his dearly beloved friend and colleague, John Allen, I can inform him that I have made all necessary charges against his patent long since, and I am too well aware of the truth of these two Hudibrastic lines to pay either him or his colleague any further attention, except to repel aggressive attack.

"That man is sure to lose,  
That fouls his hands with dirty foes."

I can assure him also that Prof. Allen will be met in the U. S. District Court at an early date, and that in that contest he will have need of all the armor and forces he can muster; and all that he may do, cannot avert his disgraceful and disastrous defeat. The manner in which Allen's patent claims have been promoted will be fully shown, and while it will show Allen and Taylor to be *par nobile fratrum*, it will exhibit them in any but an enviable light. To those who have taken interest enough to read this pamphlet, I can say of it and for the future,

"If 'tis cruel, 'tis only to be kind,  
Thus bad begins, and worse remains behind."

GEO. W. KENDALL.

CINCINNATI, January, 1854.









